

Examiner - Not Yet Assigned

December 20, 2001 COMBINED DECLARATION AND POWER OF ATTORNEY

Customer Assignment No. 27516

Serial No. 09/923,175

Filed: As a below named inventor, I hereby declare that

Inventor's:

Bruce A. Vessey et al.

Title:

**METHOD FOR EMULATING NETWORK COMMUNICATIONS
BETWEEN PARTITIONS OF A COMPUTER SYSTEM**

This declaration is of the following type:
Attorney File No.: USYS-0094/TN134

☐ original

☐ design

☐ supplemental

**TRANSMITTAL OF
INFORMATION DISCLOSURE STATEMENT**

COPY OF PAPERS
ORIGINALLY FILED

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir: ☐ continuation

☒ continuation-in-part (CIP)

Pursuant to 37 C.F.R. §§ 1.97 and 1.98 and to the duty of disclosure set forth in 37 C.F.R. §

1.56, the Examiner in charge of the above-identified application is requested to consider and make

of record the references listed on the PTO 1449 submitted herewith. Although the information
My residence, past office address and citizenship are as stated below next to my name, I believe I
submitted herewith may be "material" to the Examiner's consideration of the subject application, this
inventor (if plural names are listed below) of the subject matter which is claimed and for which a
submission is not intended to constitute an admission that such information is "prior art" as to the
patent is sought on the invention entitled:
claimed invention.

**SYSTEM AND METHOD FOR EMULATING NETWORK COMMUNICATIONS BETWEEN
PARTITIONS OF A COMPUTER SYSTEM**

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement
shall not be construed to mean that a search has been made.

Enclosed herewith is the Information Disclosure Statement (PTO-1449) for the subject patent
application. Pursuant to the obligations of candor and good faith imposed by 37 C.F.R. 1.56, the
documents listed on the attached PTO-1449 are hereby disclosed.
the specification of which: (complete (a) or (b))

☐ In accordance with 1.97(b), since this Information Disclosure Statement is being filed

(a) ☐ is attached hereto
either within three (3) months of the Filing Date of the above-identified application,

(b) ☒ within three (3) months of the date of entry into the national stage of the above

or ☐ Express Mail No. as set forth in 1.491, or before the mailing date of a first Office

Action on the merits of the above-identified application, no additional fee is required.

CERTIFICATE OF MAILING (37 CFR 1.10)

I hereby certify that this correspondence and the documents referred to as attached therein are being deposited with the United
States Postal Service in an envelope addressed to: Box MISSING PARTS, Assistant Commissioner for Patents, Washington, D.C.
20231.

(Michael B. Atlas)

December 20, 2001

(Date)

Best Available Copy

☐ In accordance with 1.129(a) this Information Disclosure Statement is being filed in

connection with () first or () second After Final Submission, therefore:

I hereby state that I reviewed and understand the contents of the above identified specification, including the claims, as amended. ☐ Certification in Accordance with 1.97(e) is attached; or

☐ The fee of \$240.00 as set forth in 1.17(p) is attached.

☐ In accordance with 1.97(c), this Information Disclosure Statement is being filed after
• which is material to patentability as defined in 37 Code of Federal Regulations, § 1.56 the period set for in 1.97(b) above but before the mailing date of either a Final Action

under 1.113 or a Notice of Allowance under 1.311, therefore:

• and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to grant or refuse a patent, and ☐ Certification in Accordance with 1.97(e) is attached; or

☐ In accordance with 1.97(d), this Information Disclosure Statement is being filed after
☐ In compliance with this duty there is attached an information disclosure statement in accordance with 37 C.F.R. § 1.129(b) the mailing date of either a Final Action under 1.113 or a Notice of Allowance under

1.311 but before the payment of the Issue Fee, therefore included are:

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s) listed below and, insofar as ☐ Certification in Accordance with 1.97(e) of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to be material to patentability as defined in 37 CFR § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:
☐ the fee of \$180.00 as set forth in 1.17(i).

Serial Number Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

09/215,424	Dec. 18, 1998	Pending
<input checked="" type="checkbox"/>	Copies of references listed on the attached Form PTO-1449 are enclosed herewith	
09/120,797	July 23, 1998	Abandoned
EXCEPT THAT:		

☒ In view of the voluminous nature of references (list as appropriate), and the likelihood that these references are available to the Examiner, copies are not listed below:

enclosed herewith.

Serial Number ☒
60/223,654

☒ In accordance with 1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. 120 have been made in the instant application:

☒ Under 37 C.F.R. § 1.98(d), copies of the patents and publications listed on the enclosed PTO Form 1449 are not required to be provided, because they were cited by or submitted to the Patent and Trademark Office in prior application **Serial No. 09/215,424, filed**

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December 18, 1998 AND Application **Serial No. 09/120,797, Filed**

July 23, 1998, which are relied upon for an earlier filing date under 35

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

☒ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Name	Title	Registration Number
Steven B. Samuels	Attorney	37,711
Michael B. Atlass	Attorney	30,606
Charles A. Johnson	Attorney	28,762
Mark T. Starr	Attorney	28,762

The relevance of those listed reference which are not in the English language is as follows:
 There are no listed references which are not in the English language.

SEND CORRESPONDENCE TO

DIRECT TELEPHONE CALLS TO:

No representation is intended to be made hereby that any of the cited references establishes, by itself or in combination with other information, a prima face case of unpatentability of any claim of the present case.

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DECLARATION

Respectfully submitted by the Applicants:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

12/20/2001

Michael B. Atlass
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 Telephone No. (612) 635-7062
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Attachment: PTO Form 1449

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